

Hannah L. Cannom (SBN 245635)
hcannom@wscylaw.com
Bethany M. Stevens (SBN 245672)
bstevens@wscylaw.com
WALKER STEVENS CANNOM YANG LLP
500 Molino Street #118
Los Angeles, CA 90013
Telephone: (213) 337-4551
Facsimile: (213) 403-4906
Counsel for Plaintiff Blackbird Tech LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BLACKBIRD TECH LLC d/b/a
BLACKBIRD TECHNOLOGIES,

Plaintiff,

vs.

CLOUDFLARE, INC.

Defendant.

CASE NO. 17-CV-06112-VC

**DECLARATION OF DAVID
GERASIMOW IN SUPPORT OF
BLACKBIRD TECHNOLOGIES'
OPPOSITION TO CLOUDFLARE'S
MOTION FOR JUDGMENT ON THE
PLEADINGS (ECF NO. 37)**

Hearing Date: 10:00am, January 11, 2018

DECLARATION OF DAVID GERASIMOW IN SUPPORT OF BLACKBIRD TECHNOLOGIES' OPPOSITION
TO CLOUDFLARE'S MOTION FOR JUDGMENT ON THE PLEADINGS (ECF NO. 37)

I, David Gerasimow, declare as follows:

1. I am Senior Litigation Counsel for Blackbird Technologies, and am counsel of record in the above-captioned action.

2. Attached as **Exhibit A** is a true and correct copy of a December 15, 2017, email exchange between myself and Anthony Garza, counsel for Defendant Cloudflare, Inc.

3. Attached as **Exhibit B** a side-by-side comparison of Claim 1 in Cloudflare's U.S. Patent App. No. 12/939,926 (now U.S. Patent No. 9,634,993) to Claim 1 in Blackbird Technologies' U.S. Patent No. 6,453,335, prepared by counsel for Plaintiff Blackbird Technologies.

4. Attached as **Exhibit C** is a true and correct copy of an amendment dated June 15, 2015, submitted by Defendant Cloudflare, Inc. in connection with its prosecution of U.S. Patent App. No. 12/939,926 before the U.S. Patent & Trademark Office, retrieved from Public PAIR, the USPTO's public records system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 22, 2017.

David A. Grisman

David A. Gerasimow